

A BILL for an Act to amend and reenact subsection 5 of section 54-44.4-02 of the North Dakota Century Code relating to procurement; to amend and reenact subsection 3 of section 54-17.5-04 of the North Dakota Century Code, relating to short-term borrowings by the industrial commission; to amend and reenact subsection 12 of section 49-24-05 of the North Dakota Century Code, relating to the powers of the transmission authority; and to create and enact a new section to chapter 49-24 of the North Dakota Century Code, relating to confidential information.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 5 of section 54-44.4-02 of the North Dakota Century Code is amended and reenacted as follows:

2. Procurements through a contract or other instrument executed by the industrial commission under ~~chapter~~ chapters 54-17.5, and 49-24.

SECTION 2. AMENDMENT. Subsection 3 of section 54-17.5-04 of the North Dakota Century Code is amended and reenacted as follows:

3. To borrow money and issue evidences of indebtedness as ~~provided~~ authorized in this chapter provided that the industrial commission may borrow money from the Bank of North Dakota for a period not to exceed five years on such terms and conditions as the industrial commission may determine without the necessity of establishing or maintaining any reserve fund as otherwise required by section 54-17.5-05.

SECTION 3. AMENDMENT. Subsection 12 of chapter 49-24 of the North Dakota Century Code is amended and reenacted as follows:

12. Consult with the public service commission, regional organizations, and other relevant state or federal authority or persons as necessary and establish reasonable fees, rates, tariffs, or other charges for transmission facilities and all services rendered by the authority;

SECTION 4. AMENDMENT. A new section to chapter 49-24 of the North Dakota Century Code is created and enacted as follows:

Access to authority records.

1. Materials and data submitted to, or made or received by, the authority, to the extent that the authority determines the materials or data consist of trade secrets or commercial, financial, or proprietary information of

individuals or entities applying to or contracting with the authority or receiving authority services under this chapter, are not public records subject to section 44-04-18 and section 6 of article XI of the Constitution of North Dakota, and are subject to section 44-04-18.4.

2. A person or entity must file a request with the authority to have material designated as confidential under subsection 1. The request must contain any information required by the authority, and must include at least the following:
 - a. A general description of the nature of the information sought to be protected.
 - b. An explanation of why the information derives independent economic value, actual or potential, from not being generally known to other persons.
 - c. An explanation of why the information is not readily ascertainable by proper means by other persons.
 - d. A general description of any person or entity that may obtain economic value from disclosure or use of the information, and how the person or entity may obtain this value.
 - e. A description of the efforts used to maintain the secrecy of the information.
3. Any request under subsection 2 is confidential. The authority shall examine the request and determine whether the information is relevant to the matter at hand and is a trade secret under the definition in section 47-25.1-01 or 44-04-18.4. If the authority determines the information is either not relevant or not a trade secret, the authority shall notify the requester and the requester may ask for the return of the information and request within ten days of the notice. If no return is sought, the information and request are a public record.
4. The names or identities of independent technical reviewers on any project or program and the names of individual lignite council members making recommendations are confidential, may not be disclosed by the authority, and are not public records subject to section 44-04-18 or section 6 of article XI of the Constitution of North Dakota.